

CHAPTER 157**LAND SURVEYORS — ENTRY UPON PROPERTY***S.F. 435*

AN ACT relating to the entry upon land by a surveyor for land survey purposes.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 354.4A ENTRY UPON LAND FOR SURVEY PURPOSES.**

1. a. A land surveyor may enter public or private land or water in the state only to occupy, locate, relocate, install, or replace survey monuments, to locate boundaries, rights-of-way, and easements, to determine geodetic positions, and to make surveys and maps and may carry with them their customary equipment and vehicles. A surveyor may not enter buildings or other structures located on the land. Entry under the right granted in this section shall not constitute trespass, and land surveyors shall not be liable to arrest or a civil action by reason of the entry.

b. For purposes of this section, “land surveyor” means a land surveyor licensed pursuant to chapter 542B or a person under the direct supervision of a licensed land surveyor.

c. Vehicular access to perform surveys under this section is limited to established roads and trails, unless approval for other vehicular access is granted by the landowner.

2. A vehicle used for or during entry pursuant to this section shall be identified on the exterior by a legible sign listing the name, address, and telephone number of the land surveyor or the firm employing the land surveyor.

3. Land surveyors shall announce and identify themselves and their intentions before entering upon private property. A land surveyor shall provide written notice to the landowner, or the person who occupies the land as a tenant or lessee, not less than seven days prior to the entry. The notice shall be sent by ordinary mail, postmarked not less than seven days prior to the entry, or delivered personally. A mailing is deemed sufficient if the surveyor mails the required notice to the address of the landowner as contained in the property tax records. For civil liability purposes receipt of this notice shall not be considered consent. This notice is not required for a survey along previously surveyed boundaries within a platted subdivision accepted or recorded by the federal government or an official plat as defined in section 354.2, subsection 12.

3A. The written notice of the pending survey shall contain all of the following:

a. The identity of the party for whom the survey is being performed and the purpose for which the survey will be performed.

b. The employer of the surveyor.

c. The identity of the surveyor.

d. The dates the land will be entered, the time, location, and timetable for such entry, the estimated completion date, and the estimated number of entries that will be required.

4. This section shall not be construed as giving authority to land surveyors to destroy, injure, or damage anything on the lands of another without the written permission of the landowner, and this section shall not be construed as removing civil liability for such destruction, injury, or damage.

5. A land surveyor who enters on private land must comply with all biosecurity and restricted-access protocols established by the owner or occupant of the private land.

A landowner or occupant shall owe the same duty to a land surveyor entering land without the consent of the landowner or occupant as the landowner or occupant would owe to a trespasser on that land.

Approved May 26, 2009

CHAPTER 158**PUBLIC UNDERGRADUATE TUITION AND FEES —
VETERANS, MILITARY PERSONNEL,
AND FAMILIES — RESIDENCY***S.F. 451*

AN ACT relating to the definition of resident for purposes of undergraduate tuition and fees for qualified veterans, and certain military persons, and their spouses and dependent children at Iowa's public universities and community colleges.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 260C.14, subsection 14, Code 2009, is amended to read as follows:

14. a. In its discretion, adopt rules relating to the classification of students enrolled in the community college who are residents of Iowa's sister states as residents or nonresidents for tuition and fee purposes.

b. (1) Adopt rules to classify as residents for purposes of tuition and mandatory fees, qualified veterans and qualified military persons and their spouses and dependent children who are domiciled in this state while enrolled in a community college. A spouse or dependent child of a military person or veteran shall not be deemed a resident under this paragraph "b" unless the qualified military person or qualified veteran meets the requirements of subparagraph (2), subparagraph division (b) or (c), as appropriate.

(2) For purposes of this paragraph "b", unless the context otherwise requires:

(a) "Dependent child" means a student who was claimed by a qualified military person or qualified veteran as a dependent on the qualified military person's or qualified veteran's internal revenue service tax filing for the previous tax year.

(b) "Qualified military person" means a person on active duty in the military service of the United States who is stationed at Rock Island arsenal. If the qualified military person is transferred, deployed, or restationed while the person's spouse or child is enrolled in the community college, the spouse or child shall continue to be classified as a resident until the close of the fiscal year in which the spouse or child is enrolled.

(c) "Qualified veteran" means a person who meets the following requirements:

(i) Is eligible for benefits, or has exhausted the benefits, under the federal Post-9/11 Veterans Educational Assistance Act of 2008.

(ii) Is domiciled in this state.

Sec. 2. Section 262.9, subsection 16, Code 2009, is amended to read as follows:

16. a. In its discretion, adopt rules relating to the classification of students enrolled in institutions of higher education under the board who are residents of Iowa's sister states as residents or nonresidents for fee purposes.

b. (1) Adopt rules to classify as residents for purposes of undergraduate tuition and mandatory fees, qualified veterans and qualified military persons and their spouses and dependent children who are domiciled in this state while enrolled in an institution of higher education under the board. A spouse or dependent child of a military person or veteran shall not be deemed a resident under this paragraph "b" unless the qualified military person or qualified veteran meets the requirements of subparagraph (2), subparagraph division (b) or (c), as appropriate.

(2) For purposes of this paragraph "b", unless the context otherwise requires:

(a) "Dependent child" means a student who was claimed by a qualified military person or qualified veteran as a dependent on the qualified military person's or qualified veteran's internal revenue service tax filing for the previous tax year.

(b) "Qualified military person" means a person on active duty in the military service of the United States who is stationed at Rock Island arsenal. If the qualified military person is trans-